IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 16037 of 2004

Between:

G.Rani, W/o.Late Prasad,
R/o.Nehunambad Village, Sestavaripet Mandal, Prakasam Dist.

..... PETITIONER

AND

1 The Joint Collector, Ongole, Prakasam Dist.
2 The Revenue Divisional Officer, Markapur, Prakasam Dist.
3 The Mandal Revenue Officer, Bestavaripet, Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus, declaring the proceedings Rc.No.CS2/3188/ 2004 dt.26-8-2004 in so far as rejecting the stay is concerned by the 1st respondent as illegal, arbitrary, without any prior notice and violation of principles of natural Justice, and consequently set aside the same.

Counsel for the Petitioner: MR.V.MALLIK

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

Petitioner is the authorised Fair Price Shop Dealer of Nekunambad village, Bestavaripet Mandal, Prakasam District.

This writ petition is filed aggrieved by the order passed by the second respondent-Revenue Divisional Officer, dated 11.08.2004, whereunder the authorisation of the petitioner was suspended.

This Court having prima facie found that the impugned order is in the nature of a final order by way of substantive punishment and since the same was passed without affording any opportunity to the petitioner to rebut the allegations, while directing notice to the respondents, by order dated 09.09.2004 granted interim suspension of the impugned order.

In the counter affidavit filed by the second respondent-Revenue Divisional Officer, though it is stated that a show-cause notice was issued, and the enquiry is pending against the petitioner, strangely even the date of show-cause notice is not mentioned and nothing has been placed before this Court to show that the said notice was

issued before passing the impugned order. Hence, the impugned order which is by way of substantive punishment cannot be sustained and the same is accordingly set aside. However, this shall not preclude the respondents to conduct the enquiry into the alleged irregularities after affording due opportunity to the petitioner to explain the same.

The writ petition is accordingly disposed of leaving it open to the respondents to conduct necessary enquiry, if the circumstances so warrant and pass appropriate orders in accordance with law. No costs.

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29.10.2004

VGB

To

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Markapur, Prakasam District.
3 The Mandal Revenue Officer, Bestavaripet, Prakasam District.

4 2CCs to the Government Pleader for Civil Supplies, High Court

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